

117TH CONGRESS
1ST SESSION

H. R. 776

To amend the Help America Vote Act of 2002 to require States to provide secured drop boxes for voted absentee ballots in an election for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2021

Ms. SCANLON (for herself, Ms. GARCIA of Texas, and Ms. ESCOBAR) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require States to provide secured drop boxes for voted absentee ballots in an election for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dropbox Access Act”.

1 **SEC. 2. REQUIRING STATES TO PROVIDE SECURED DROP**
2 **BOXES FOR VOTED ABSENTEE BALLOTS IN**
3 **ELECTIONS FOR FEDERAL OFFICE.**

4 (a) REQUIREMENT.—Subtitle A of title III of the
5 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)
6 is amended—

7 (1) by redesignating sections 304 and 305 as
8 sections 305 and 306, respectively; and

9 (2) by inserting after section 303 the following
10 new section:

11 **“SEC. 304. USE OF SECURED DROP BOXES FOR VOTED AB-**
12 **SENTEE BALLOTS.**

13 “(a) REQUIREING USE OF DROP BOXES.—In each
14 county in the State, each State shall provide in-person,
15 secured, and clearly labeled drop boxes at which individ-
16 uals may, at any time during the period described in sub-
17 section (b), drop off voted absentee ballots in an election
18 for Federal office.

19 “(b) MINIMUM PERIOD FOR AVAILABILITY OF DROP
20 BOXES.—The period described in this subsection is, with
21 respect to an election, the period which begins 45 days
22 before the date of the election and which ends at the time
23 the polls close for the election in the county involved.

24 “(c) ACCESSIBILITY.—

1 “(1) IN GENERAL.—Each State shall ensure
2 that the drop boxes provided under this section are
3 accessible for use—

4 “(A) by individuals with disabilities, as de-
5 termined in consultation with the protection
6 and advocacy systems (as defined in section 102
7 of the Developmental Disabilities Assistance
8 and Bill of Rights Act of 2000 (42 U.S.C.
9 15002)) of the State; and

10 “(B) by individuals with limited proficiency
11 in the English language.

12 “(2) DETERMINATION OF ACCESSIBILITY FOR
13 INDIVIDUALS WITH DISABILITIES.—For purposes of
14 this subsection, drop boxes shall be considered to be
15 accessible for use by individuals with disabilities if
16 the drop boxes meet such criteria as the Attorney
17 General may establish for such purposes.

18 “(3) RULE OF CONSTRUCTION.—If a State pro-
19 vides a drop box under this section on the grounds
20 of or inside a building or facility which serves as a
21 polling place for an election during the period de-
22 scribed in subsection (b), nothing in this subsection
23 may be construed to waive any requirements regard-
24 ing the accessibility of such polling place for the use

1 of individuals with disabilities or individuals with
2 limited proficiency in the English language.

3 “(d) NUMBER OF DROP BOXES.—

4 “(1) FORMULA FOR DETERMINATION OF NUM-
5 BER.—The number of drop boxes provided under
6 this section in a county with respect to an election
7 shall be determined as follows:

8 “(A) In the case of a county in which the
9 number of individuals who are residents of the
10 county and who are registered to vote in the
11 election is equal to or greater than 20,000, the
12 number of drop boxes shall be a number equal
13 to or greater than the number of such individ-
14 uals divided by 20,000 (rounded to the nearest
15 whole number).

16 “(B) In the case of any other county, the
17 number of drop boxes shall be equal to or
18 greater than one.

19 “(2) TIMING.—For purposes of this subsection,
20 the number of individuals who reside in a county
21 and who are registered to vote in the election shall
22 be determined as of the 90th day before the date of
23 the election.

24 “(e) LOCATION OF DROP BOXES.—The State shall
25 determine the location of drop boxes provided under this

1 section in a county on the basis of criteria which ensure
2 that the drop boxes are—

3 “(1) available to all voters on a non-discrimina-
4 tory basis;

5 “(2) accessible to voters with disabilities (in ac-
6 cordance with subsection (c));

7 “(3) accessible by public transportation to the
8 greatest extent possible;

9 “(4) available during all hours of the day; and

10 “(5) sufficiently available in all communities in
11 the county, including rural communities and on
12 Tribal lands within the county (subject to subsection
13 (f)).

14 “(f) RULES FOR DROP BOXES ON TRIBAL LANDS.—
15 In making a determination of the number and location of
16 drop boxes provided under this section on Tribal lands in
17 a county, the appropriate State and local election officials
18 shall—

19 “(1) consult with Tribal leaders prior to making
20 the determination; and

21 “(2) take into account criteria such as the
22 availability of direct-to-door residential mail delivery,
23 the distance and time necessary to travel to the drop
24 box locations (including in inclement weather),
25 modes of transportation available, conditions of

1 roads, and the availability (if any) of public trans-
2 portation.

3 “(g) POSTING OF INFORMATION.—On or adjacent to
4 each drop box provided under this section, the State shall
5 post information on the requirements that voted absentee
6 ballots must meet in order to be counted and tabulated
7 in the election.

8 “(h) EFFECTIVE DATE.—This section shall apply
9 with respect to the regularly scheduled general election for
10 Federal office held in November 2022 and each succeeding
11 election for Federal office.”.

12 (b) CONFORMING AMENDMENT RELATING TO EN-
13 FORCEMENT.—Section 401 of the Help America Vote Act
14 of 2002 (52 U.S.C. 21111) is amended by striking “and
15 303” and inserting “303, and 304”.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended—

18 (1) by redesignating the items relating to sec-
19 tions 304 and 305 as relating to sections 305 and
20 306, respectively; and

21 (2) by inserting after the item relating to sec-
22 tion 303 the following new item:

“Sec. 304. Use of secured drop boxes for voted absentee ballots.”.

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